



JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION

1. IDENTIFICATION OF THE AGENCY AND CONTRACTING ACTIVITY

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
ACQUISITION MANAGEMENT DIVISION
FIELD SUPPORT SECTION – 9PQPS

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION IN ACCORDANCE WITH FAR 6.302-1.

2. NATURE AND DESCRIPTION OF ACTION BEING APPROVED

This Justification and Approval (J&A) authorizes and approves entering into a sole source construction contract (FAR Part 15 procedures) with Southern Folger Detention Equipment Company (Southern Folger) to obtain all services for completion of the "USMS 2nd Floor Cell Block Buildout" at the Deconcini Courthouse, Tucson, AZ.

Action must be taken to immediately build out the additional cell blocks on the 2nd floor due to the fact that the current cell block capacity is not sufficient to accommodate the large number of prisoners that move through the Deconcini Courthouse on a daily basis. [REDACTED]

The solution is to procure for General Contractor services from Southern Folger, a contractor who is familiar with the Deconcini Courthouse [REDACTED]
[REDACTED] In addition, Southern Folger provides turnkey design build services for detention facilities around the country, and they have the experience and expertise necessary to commence work immediately in order to provide USMS with the additional cell blocks necessary to accommodate the large number of prisoners being transported through the Deconcini Courthouse.

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

Therefore, the "USMS 2nd Floor Cell Block Buildout" project must commence immediately in order for USMS to be able to have the facilities necessary for them to carry out their mission. The immediate solution is to procure for the required construction services from Southern Folger, who has performed cell block build outs in the past, is the only vendor [REDACTED], and who has the capabilities and manpower necessary to complete the project as soon as possible. Southern Folger is the only detention contractor identified who can provide a turnkey product for all the required services to complete the "USMS 2nd Floor Cellblock Buildout".

[REDACTED]

[REDACTED] There would be undue delay bringing in other Detention Equipment Contractors who only provide detention equipment for a requirement and generally don't provide a turnkey project covering all construction, detention equipment and installation; in addition [REDACTED] would have to still be provided by Southern Folger.

[REDACTED]



[REDACTED]

[REDACTED]

It is anticipated that 90% of the project will be performed by Southern Folger and Trussbilt. Trussbilt will manufacture the metal panels, and Southern Folger will provide [REDACTED] new cells, interview and processing rooms, [REDACTED] as well as handling the installation of the metal panels, the electrical work and moving [REDACTED] and wiring to the new control room.

[REDACTED]

3. DESCRIPTION OF SERVICES REQUIRED

The scope of work (SOW) for the "USMS 2nd Floor Cell Block Buildout" project at the Deconcini Courthouse includes all construction services to complete the following: Construct four new Group Cells, one new Isolation/ADA/Juvenile cell, four new Interview Rooms, one new Secure Bond Release Room; enlarge the Prisoner Processing Area; [REDACTED]; connect existing HVAC to the new detention HVAC; complete transfer of the Control Room; [REDACTED].

[REDACTED]

The performance of the "USMS 2nd Floor Cell Block Buildout" by Southern Folger will ensure the requirement is carried out by an experienced contractor who has the manpower and capabilities to complete the work in the shortest amount of time possible.



4. IDENTIFICATION OF STATUTORY AUTHORITY

Authority for this action is provided at: 41 U.S.C.3304(a)(1), which states, "the property or services needed by the executive agency are available from only one responsible source and no other type of property or services will satisfy the needs of the executive agency."; 41 U.S.C.3304(b)(2), which states, "a follow-on contract for the continued development or production of a major system or highly specialized equipment, the property may be deemed to be available only from the original source and may be procured through procedures other than competitive procedures when it is likely that award to a source other than the original source would result in- (A) substantial duplication of cost to the Federal Government that is not expected to be recovered through competition; or (B) unacceptable delay in fulfilling the executive agency's needs."

See also FAR 6.302-1, which states:

"6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(a) Authority.

(1) Citations: [10 U.S.C. 2304\(c\)\(1\)](#) or [41 U.S.C. 3304\(a\)\(1\)](#).

(2) When the supplies or services required by the agency are available from only one responsible source, or, for DoD, NASA, and the Coast Guard, from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for.

(ii) Supplies may be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment, including major components thereof, when it is likely that award to any other source would result in—

(A) Substantial duplication of cost to the Government that is not expected to be recovered through competition; or

(B) Unacceptable delays in fulfilling the agency's requirements. (See [10 U.S.C. 2304\(d\)\(1\)\(B\)](#) or [41 U.S.C. 3304\(b\)\(2\)](#).)"

5. DEMONSTRATION THAT THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY CITED

In order for USMS to accommodate the increasing volume of prisoners coming through the Deconinci Courthouse on a daily basis, it is essential that the "USMS 2nd Floor Cell Block Buildout" is completed by Southern Folger as soon as possible.



Southern Folger, being they provide Design Build Services and [REDACTED]
[REDACTED], is identified as the only source that will be able to offer the required services at substantial efficiency to the Government. [REDACTED]
[REDACTED]

Southern Folger has completed multiple correctional design/build projects for various State and Federal entities, and will be able to complete the project in an expeditious manner.

Various sources were considered in the limited acquisition planning phase for this requirement, and the driving factor in selecting Southern Folger as the source for this requirement was [REDACTED], they are owned by the same company who owns Trussbilt, the only manufacturer of the metal panels specified, [REDACTED], and they offer complete design build turnkey services covering all elements of work including construction. Therefore, market research was limited due to the compelling nature of the requirement.

6. DESCRIPTION OF EFFORTS MADE TO ENSURE OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE

Southern Folger has been identified as the only source for the "USMS 2nd Floor Cell Block Buildout". Southern Folger [REDACTED], they are owned by the same company who owns Trussbilt, the only manufacturer of the metal panels specified, [REDACTED] and they offer complete design build turnkey services covering all elements of work including construction. As a result of the determination that Southern Folger is the one source who can satisfy this urgent requirement and is anticipated to be able to commence work as soon as possible, sources have been limited in accordance with FAR 6.302-1.

7. DETERMINATION THAT THE ANTICIPATED ORDER REPRESENTS THE BEST VALUE

In accordance with FAR 15.402, the Contracting Officer shall ensure that all supplies and services ordered under the proposed contract are procured at a fair and reasonable price. Southern Folger's proposed cost will be reviewed by the Contracting Officer and GSA personnel with the technical expertise related to the requirement. Price evaluation and analysis will be conducted to ensure the overall price is fair & reasonable and will be compared to the independent government estimate. [REDACTED]
[REDACTED]

8. DESCRIPTION OF MARKET RESEARCH CONDUCTED OR STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED

[REDACTED]



Southern Folger has the expertise and intimate knowledge of the facility to allow the immediate start and timely completion of this project.

Due to the size of this project and the fact that Southern Folger is a large business, a subcontracting plan will be required. We aim to promote small business participation in procurements, and to that end we will strive to get an aggressive subcontracting plan negotiated to ensure we promote small business participation for this project. The negotiated subcontracting plan will be incorporated into the contract at award and the contractor will be required to maintain compliance with the plan for the duration of the contract.

9. OTHER FACTS SUPPORTING OTHER THAN FULL AND OPEN COMPETITION

Currently there are a limited number of available cell blocks at the Deconcini Courthouse. USMS requires the cell block expansion to accommodate the increasing number of prisoners being transported through the courthouse on a daily basis. [REDACTED]

10. LIST OF SOURCES

The "USMS 2nd Floor Cell Block Buildout" requirement will be limited to the following contractor:
Southern Folger Detention Equipment Company

11. STATEMENT OF ACTIONS TO OVERCOME BARRIERS TO COMPETITION

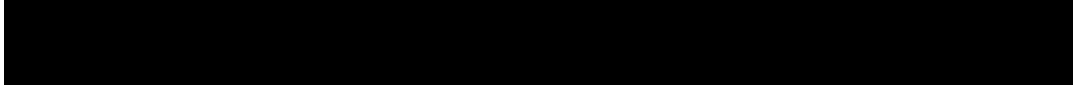
Given the urgency of accomplishing this requirement, there are no actions that can be taken to remove or overcome the existing barriers to competition. The need to acquire the stated service in the manner proposed is due to the need for USMS to have the facilities necessary to carry out their mission and accommodate the large volume of prisoners being transported in the Deconcini Courthouse on a daily basis. For current and future requirements, we will continue to consider small businesses and promote fair competition through the use of established IDIQs and small business set-asides.



12. CERTIFICATIONS

TECHNICAL REQUIREMENTS CERTIFICATION

I certify that the supporting data provided for the justification is accurate and complete to the best of my knowledge and belief.



TODD FELTMAN

Date

Project Manager
Construction Services Branch
San Diego Service Center (9PDC)

CONTRACTING OFFICER CERTIFICATION

This justification was prepared in accordance with FAR 6.303. I certify that this justification is accurate and complete to the best of my knowledge and belief.



HEATHER CANEY

Date

Contracting Officer
Field Support Section
Acquisition Management Division (9PQPS)